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10/728,235	12/03/2003	Satoshi Okamura	1232-5217	7517
27123 7590 04/04/2008 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER				
PETERSON, CHRISTOPHER K				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/4/2008 have been fully considered but they are not persuasive.

In regards to claim 1, the Applicant argues that neither Daikichi (Japanese Patent Pub. # 05-167915) not the Takahashi (US Patent # 5,831,676) reference teaches that an image sensing apparatus comprising **"an exposure amount loss calculation unit that calculates a loss in exposure amount for said image sensing element caused by operation of said light-shielding unit;... and a compensation control unit that controls a compensation amount for each compensation unit based on the loss calculated by said exposure amount loss calculation unit in accordance with the at least one of the image sensing mode and the image sensing condition that is set by said setting unit"**, as required by at least independent claim 1. Previously presented independent claims 9 and 10 recite similar features to claim 1 as described herein (See Remarks, Pg. 2 and 3). The Examiner respectfully disagrees. Specifically, noting the Daikichi reference, Fig. 1 and 3 and Para 11 – 13 shows that the system controller (9) calculates a loss in exposure amount and then controls the compensation units (gain settings) to compensate the image by the exposure loss amount. When the shutter speed is made a priority (1/15 sec.) and the proper exposure time (1/30 sec.), the system controller (9) calculates a shutter velocity ratio $1/15/1/30 = 2$. The shutter will close with only half of the needed exposure to create a correctly exposed image, so the system controller will compensate this loss by adjusting the gain of the gain circuit (3).

For this reason, the Examiner believes that Daikichi and Takahashi do teach the limitations of claims 1, 9, and 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER K. PETERSON whose telephone number is (571)270-1704. The examiner can normally be reached on Monday - Friday 6:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKP/TH
31 March 2008

/Ngoc-Yen T. VU/

Supervisory Patent Examiner, Art Unit 2622

